

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) ECF Case
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DECLARATION OF ROBERT T. HAEFELE

I, Robert T. Haefele declare under penalty of perjury:

1. I am an attorney admitted to practice *pro hac vice* before this Court and an attorney at the firm of MOTLEY RICE LLC, counsel for Plaintiffs in *Burnett, et al. v. Al Baraka Investment & Development Corp., et al.*, Civil Action No. 03 CV 9849, and a member of the Plaintiffs Executive Committees in the above-referenced multidistrict litigation. I submit this declaration in support of the Plaintiffs' January 9, 2013 letter requesting that the Court impose sanctions on defendant Al Haramain for its long history of discovery violations and to identify and transmit the exhibits referenced that letter.

2. Attached as **Exhibit A** is a true and accurate copy of relevant excerpts of the Hearing in *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570, before the Hon. Frank Maas, held on October 28, 2010, pages 16-18;

3. Attached as **Exhibit B** is a true and accurate copy of relevant excerpts of the Transcript of the Teleconference in *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570, before the Hon. Frank Maas, held on December 2, 2010, pages 16-22;

4. Attached as **Exhibit C** is a true and accurate copy of the Order of Judge Frank Maas in *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570, dated December 10, 2010 (ECF No. 2393);

5. Attached as **Exhibit D** is a true and accurate copy of Plaintiffs'

Supplemental Requests for Production of Documents Directed to Defendants Al Haramain Islamic Foundation, Inc. and Pirouz Sedaghaty a/k/a Pete Seda, served July 31, 2012;

6. Attached as **Exhibit E** is a true and accurate copy of relevant excerpts of the Monograph on Terrorist Financing, National Commission on Terrorist Attacks Upon the United States (2004) at 114-130 (Al Haramain Case Study) (produced by the plaintiffs with bates labeling BUR-PEC-031138 to -154);

7. Attached as **Exhibit F** is a true and accurate copy of a State Department Cable, dated January 28, 2003, referencing Al Haramain (produced by the plaintiffs with bates labeling BUR-PEC-049171 to -179);

8. Attached as **Exhibit G** is a true and accurate copy of relevant excerpts of the Transcript of the Hearing in *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570, before the Hon. Frank Maas, held on February 8, 2010, pages 23-53;

9. Attached as **Exhibit H** is a true and accurate copy of Defendant Al Haramain Islamic Foundation, Inc.'s Objections and Responses to Plaintiffs' Supplemental Requests for Production of Documents, dated September 4, 2012;

10. Attached as **Exhibit I** is a true and accurate copy of a General Ledger of Al Haramain, dated April 28, 2004 (produced by the plaintiffs with bates labeling BUR-PEC-047080 to -101);

11. Attached as **Exhibit J** is a true and accurate copy of an employment contract between Bilal Abdul-Kareem and Al Haramain, dated January 31, 2000 (produced by Al Haramain with bates labeling AHIF 000804);

12. Attached as **Exhibit K** is a true and accurate copy of a letter from Bilal Abdul-Kareem on behalf of Al Haramain Islamic Foundation, Inc. (produced by Al

Haramain with bates labeling AHIF 000805);

13. Attached as **Exhibit L** is a true and accurate copy of a memorandum from Bilal Abdul-Kareem to Catherine Granel on behalf of Qur'an Foundation, dated March 1, 2000 (produced by Al Haramain with bates labeling AHIF 000157);

14. Attached as **Exhibit M** is a true and accurate copy of the Statement of Declaration between Qur'an Foundation and Al Haramain Foundation (Included within a document produced with by plaintiffs with bates labeling BUR-PEC-040894 to -902 at -040894);

15. Attached as **Exhibit N** is a true and accurate copy of relevant excerpts of the Transcript of Trial Proceedings Before the Honorable Michael R. Hogan, United States District Court Judge, and a Jury, dated August 31, 2010, pages 5-33, 37-95;

16. Attached as **Exhibit O** is a true and accurate copy of the Declaration of Thomas H. Nelson, filed in U.S. District Court, District of Oregon, Case No. 07-CV-1155-KI, dated February 13, 2009;

17. Attached as **Exhibit P** is a true and accurate copy of the Declaration of Thomas H. Nelson filed in *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570, dated December 9, 2009 (ECF No. 2384-2);

18. Attached as **Exhibit Q** is a true and accurate copy of a letter from Thomas H. Nelson to Commissioners of City of Portland, dated April 25, 2011;

19. Attached as **Exhibit R** is a true and accurate copy of the tax returns of Al Haramain for the year 1999 (produced by plaintiffs with bates labeling BUR-PEC-072894 to -908);

20. Attached as **Exhibit S** is a true and accurate copy of an incomplete draft of a general ledger of Al Haramain for the year 1999 (produced by Al Haramain with bates

labeling AHIF 000282 to -293);

21. Attached as **Exhibit T** is a true and accurate copy of the article *Adel Al-Jubeir Hold a News Conference on a Major Development in the War on Terrorism* (June 2, 2004);

22. Attached as **Exhibit U** is a true and accurate copy of the employee record and time sheet of Daveed Gartenstein-Ross, dated June, 1999 (produced by Al Haramain with bates labeling AHIF 000040 to -42);

23. Based on a tally of the documents produced from Al Haramain to-date, Al Haramain has produced 5,694 pages of documents. Accompanying a letter from Lynne Bernabei to Michael E. Elsner, dated April 26, 2004, Al Haramain produced 1,605 pages. Accompanying a letter from Lynne Bernabei to Michael E. Elsner, dated October 28, 2004, Al Haramain produced 205 pages. Accompanying a letter from Alan Kabat to Robert Haefele, dated November 16, 2009, Al Haramain produced 264 pages. Accompanying a letter from Alan Kabat to Michael E. Elsner, dated January 21, 2011, Al Haramain produced 2,080 pages of almost entirely docket entries publicly available in litigation in which Al Haramain has participated; nothing from any Al Haramain office was included. In addition, 1,541 pages, consisting of mostly books and Al Haramain's counsel's correspondence with and files provided to Al Haramain by the U.S. Office of Foreign Asset Control, were copied separately during a February 2006 production at Al Haramain's counsel's office.

24. Attached as **Exhibit V** is a true and accurate copy of the Clerk's List of Witnesses and Exhibits, filed in U.S. District Court, District of Oregon, Case No. 05-60008-02-HO, dated September 13, 2010;

25. Attached as **Exhibit W** is a true and accurate copy of the Defendant's

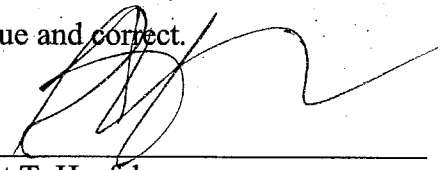
Fourth Amended Potential Exhibit List, filed in U.S. District Court, District of Oregon,
Case No. 05-60008-02-HO, dated September 7, 2010;

26. Attached as **Exhibit X** is a true and accurate copy of the Declaration of
Soliman H. Al-Buthe, filed in U.S. District Court, District of Oregon, Case No. 07-CV-
1155-KI, dated February 13, 2009;

27. Attached as **Exhibit Y** is a true and accurate copy of the Declaration of
Soliman H. Al-Buthe filed in *In re Terrorist Attacks on September 11, 2001*, 03 MDL
1570, dated December 9, 2009 (ECF No. 2384-2).

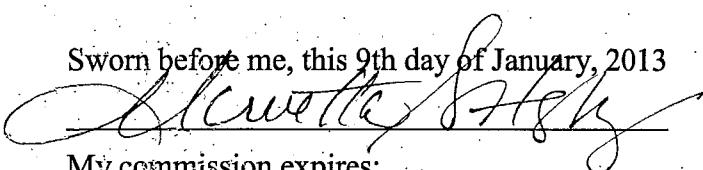
I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 9, 2013.



Robert T. Haefele

Sworn before me, this 9th day of January, 2013



My commission expires:

MARVETTA S. HOLMES Notary Public, South Carolina My Commission Expires March 23, 2019
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